

ON CAMPUS

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FIGHTING FOR JOB RIGHTS

AFT lecturers take on
a university's bid
to create cheap labor

Suzanne Cowan is a former Italian instructor at the University of California/Santa Cruz, a mother and a wife. Yet because of a new university regulation that restricted lecturers to teaching a maximum of four years at the university, she was forced to leave teaching and spend weekdays away from her family while working as a graphic artist in San Francisco.

(Continued on page 10)



Former University of
California/Santa Cruz lecturer
Suzanne Cowan now works as a
graphic artist.

FIGHTING FOR UNTENURED PROFS

When an untenured Idaho professor and a California lecturer were illegally fired, the AFT fought back — and won.

HIGHER ED: REAGAN'S FIRST TWO YEARS

A tally sheet of what has happened to higher education during the first two years of the Reagan White House.

TAX TIPS FOR TEACHERS

It's tax time again, and as a service to our members we have outlined some important deductions and changes in the tax law.

AFT SPRING TRAVEL PROGRAM

Take advantage of the AFT's spring travel bonanza and book now for one of our fabulous discounted vacation trips.

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News & Trends

Fired AFT prof wins \$100,000 in damages

Courts affirm rights of untenured staff

Despite the opinions of some university officials, untenured faculty have rights too — and the courts are willing to protect them. In two recent decisions — one in Idaho and one in California — courts have upheld the rights of an untenured faculty member and a lecturer in dismissal cases.

In the Idaho case, untenured professor and AFT member Thomas Hale was fired from his job at Idaho State University with no reasons given — but apparently because of his union activities and outspoken views. With the

help of the AFT and the Idaho Federation of Teachers, Hale fought back and won \$100,000 in damages. (A jury had awarded him reinstatement and legal fees too, but the judge cut the settlement to \$100,000. Hale is appealing the ruling.)

In California, lecturer Terese Tiernan was laid off from the California State University at Northridge after only two years of her four-year grant as an archivist had expired. The university claimed that non-tenured teaching staff did not have to be notified if they were to be laid off, but the California Supreme Court ruled that the university was required to write up regulations regarding the dismissal of

non-tenured faculty. The state supreme court sent the case back to the trial court, where it will be tried again in light of the new regulations.

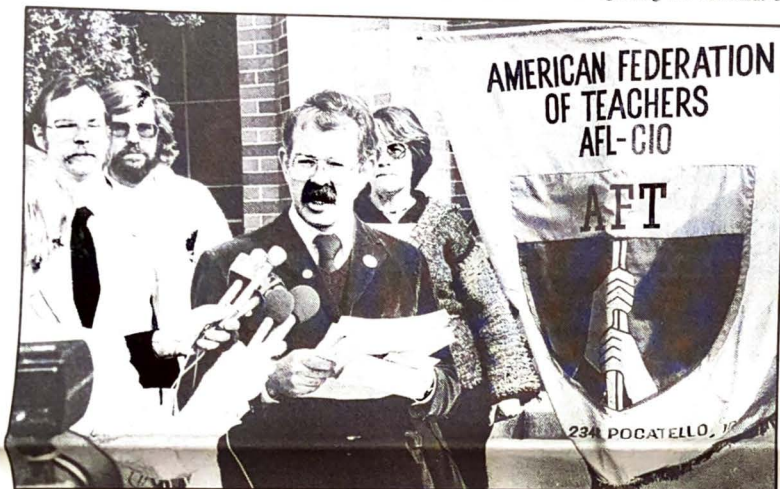
"This case is important because it will prevent the university from laying off lecturers (who compose 45 percent of the academic staff at the California State University) without reason or written notice," said Robert Moest, Tiernan's attorney. The California Federation of Teachers and the AFT helped with Tiernan's legal costs.

Hale's case set a precedent, too, in that it used the First Amendment and civil rights laws to dispute his dismissal. Hale, who was hired in as chairman of the history department and had been reappointed to a three-year term as chairman one year before he was fired, was able to show that the university fired him because of his union activities and open criticism of the administration. Hale was fired one day after he gave an interview to the local

press criticizing the administration.

In an editorial following the court decision, the *Idaho State Journal* noted, "It appears, from the trial verdict and testimony, that Hale was indeed the victim of retaliation for his outspoken attitude. The jury decision is thus strong support for academic and speech freedoms — even though a teacher may not be tenured, as in Hale's case. . . . The implications of this trial and verdict go far beyond one fired teacher and two administrators — indeed, beyond ISU."

While his case is wending its way through the courts, Hale is going to law school in Portland, Ore., calling it "a retraining experience." Fighting his case through the courts has been very difficult in personal terms, he said. "But then, how much is it worth to be yourself, stand on your own two feet and not bow down before the boss? It's the same old story of unionization — somebody has to do it."



Idaho State University Professor Thomas Hale, fired for his union activities, gives a press conference. The AFT helped fight his case, and he won \$100,000 in damages.

Political clout averts N. J. faculty pay cut

Union blocks state's assault on salaries

If they did not have a union, faculty members in New Jersey state colleges might have suffered a 7 percent pay cut this year as an involuntary contribution toward balancing the

state budget. But thanks to the Council of New Jersey State College Locals, AFT, the budget will be balanced through methods less painful to faculty.

"With the help of our friends in pressure on the governor's office, we were able to defeat this rollback attempt," said New Jersey Council president Marcoantonio Lacatena.

It all started when the governor asked all state agencies for a 3 percent across-the-board cut in December. While most agencies decided to make these cuts through attrition and non-personnel cuts, the chancellor of the state college system decided to cut costs by reducing faculty salaries by 7 percent.

Meanwhile, the Council and the Communication Workers of America, representing the majority of New Jersey state employees, had proposed a state income tax increase to raise revenues. Although the income tax proposal drafted by the unions and a local group called Citizens for Tax Justice was introduced and passed by both houses of the legislature, the governor vetoed it.

The legislature then passed a sales tax increase and a slight increase of the income tax, and this was approved by the governor. Although the crisis was presumed over, the chancellor was still asking for a cut in pay for college employees.

The New Jersey Council kept up the pressure, wrote letters to college presidents, called legislators as well as the governor — and averted the rollback. On Jan. 17, the governor ordered cutting back on all departments by 1.6 percent, but cuts were not to come out of faculty salaries. "Of course, my experience in New Jersey is that one can never sleep," Lacatena said. "I plan to rest with one eye open."

UPC: It's still a cliffhanger

Union leads, but unity talks stall

Although many faculty members at the California State University system would like to be represented by a majority organization, unity talks between United Professors of California/AFT (which now holds the lead in the vote count) and the Congress of Faculty Associations have broken off.

"Faculty are almost evenly split on which organization they want to represent them at the bargaining table, as the votes in

the runoff election showed," said UPC president Stewart Long. "Although when all the challenges are resolved we will win the election by a very narrow margin, it's too bad we can't have a merger with everybody a winner."

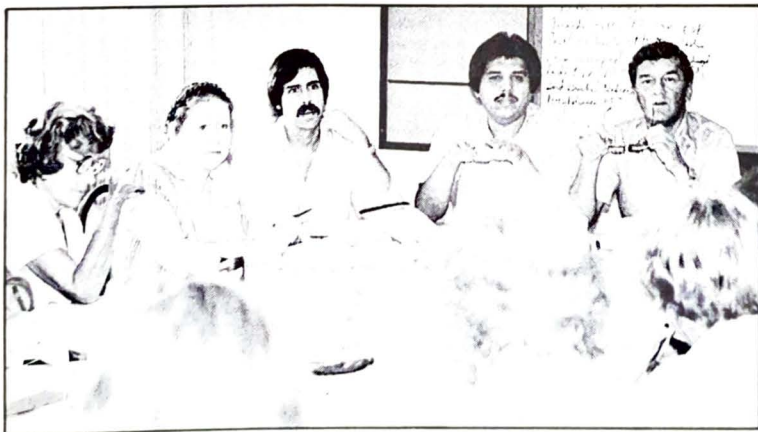
"Common sense dictates that any unity agreement between UPC and the Congress of Faculty Associations (affiliated with the National Education Association, American Association of University Professors and the California State Employees Association) must stress equality no matter which organization eventually gains certification," Long said.

UPC is suggesting a structure in which each union will contribute an equal number of leaders to the new organization and individual faculty members can choose to be affiliated with either of the two organizations, regardless of which one is finally certified. But CFA is refusing to go along with this arrangement, requiring instead that the winning union carry the majority of votes within the merged unit and that all faculty members be required to join whichever organization is certified.

As *On Campus* went to press, UPC was leading by 6,491 votes to 6,479. Two hundred seventy-one votes remain to be counted. Without a merged organization, the PERB certification hearings are expected to last for months — months during which no one can bargain to represent the 18,000 faculty and academic staff at the 17-campus California State University system. The election has been a cliffhanger ever since it was counted last spring, but UPC has remained ahead as challenged ballots have been opened.

"We need a certified agent by May 1 in order to bargain for the next academic year, but it looks bad for merger," Long said. "CFA is willing to sacrifice collective bargaining this year in order to try to win everything for themselves: it's not interested in one strong organization."

The UPC at work: the union's academic support negotiating committee met last year to draw up contract proposals. Pictured (from left) are Elinor Henry (Sonoma State), Nancy Jorgensen (San Luis Obispo), UPC president Stewart Long, committee chair Richard Torres (Sacramento) and AFT national representative Rudy Kne.



LECTURERS LOOK TO AFT FOR HELP

(Continued from page 1)

In a way, Cowan is lucky. She succeeded in finding another job. There are other lecturers, such as Paces Ramirez, who are still working at the University of California, with no security of employment and thus no assurance that they will have a job next year. Although Ramirez is happy in his job at Santa Cruz, he is currently hiding down two half-time positions (after four years, the university requires that lecturers leave or teach full time) and has no idea whether he will have a full-time position, part-time position or no position at the university next year. "I can be taken off the payroll at any time, and they don't even have to give me warning," he said.

"The lecturers are bright young scholars; most have Ph.D.s and publishing records . . . yet they are pigeon-holed into these positions where nobody gets tenure."

Nancy Elmer teaches her library class in Berkeley. She is a college senior. Her salary is \$10,000 a year, but she is not getting tenure.

University Council to be their exclusive bargaining agent in dealing with the university.

The University Council won its most recent victory by filing an unfair labor practice charge when the administration tried to limit lecturers to teaching for a maximum of four years before being forced to leave or return to half-time status. An administrative law judge with California's Public Employment Relations Board (PERB) ruled for the union, saying the university acted illegally and unilaterally in changing the working conditions of lecturers. The university has appealed the decision.

Before the "four year rule," lecturers were able to teach for eight years, with their contract renewable annually, and at the end of the eight years they were eligible for security of employment rights. Thus under the previous rules, the lecturers — most of whom hold Ph.D.'s and would rather be on the tenure track if the university opened such positions to them — had some semblance of job security after eight years. But by instituting the four year rule the university attempted to create a revolving door of cheap labor that would self-destruct after four years, say University Council leaders.

The administrative law judge agreed. He found that "the employer offered no evidence of business necessity for its decision

to establish a new policy mandating termination after four years of full-time service. The same work continued to be performed by others with less seniority or, potentially, by the same employees but working less than 50 percent time."

The administrative judge ruled that those lecturers laid off because of the four year rule were entitled to re-instatement, as well as back pay with 7 percent interest, retroactive to February 22, 1980, which is when the new policy took effect.

"The university is trying to create a large secondary labor force of teachers who are weak, vulnerable and cheaper," said Jeff Lavig, a former lecturer at UC Berkeley and AFT organizer. Lecturers are not members of the academic senate, do not automatically receive cost-of-living increases and receive fewer benefits and less pay than professors, Lavig said.

Winning the first round at PERB is important because it shows what can be done when people get organized, said Joel Westman, University Council president. "When the rule first came down in 1980, it was very demoralizing, and the situation seemed hopeless. But this victory shows that you don't have to take everything that comes down." Although the university administration has appealed the administrative judge's decision, it is rare

that the full board overturns a judge's decision, Westman said.

"We are sure we will win in the end," but the university has said it will appeal this decision all the way to the U.S. Supreme Court," said Nancy Elmer, chair of the lecturers' unit in the University Council. "The university would rather spend \$10 million busting the union than dealing with us."

Yet there is a law in California called the Higher Education Employer-Employee Relations Act (which the university would rather ignore), which allows UC employees to vote whether or not they want a union.

The AFT's University Council plans to participate in two elections this year. In the spring, an election for the 600 librarians in the system and in the fall an election to represent the 2,000 lecturers. (The University Council was collecting cards for the lecturers' election at press time.)

The UC Regents, true to form, have approved a \$157,000 campaign aimed at persuading employees to vote against collective bargaining," according to a report in *Higher Education Daily*. Furthermore, UC president David S. Saxon "said bargaining was not in the best interest of employees or the university," reported *The Chronicle of Higher Education*. For good measure, administration spokesmen charge that "bargaining would not collective bargaining could generate

an adversarial labor relations climate."

But for lecturers and librarians working at the universities of California, the climate is quite adversarial already. The university is trying to strip them of their right to secure employment, at cost of living adjustments that make them more of a liability and of other benefits.

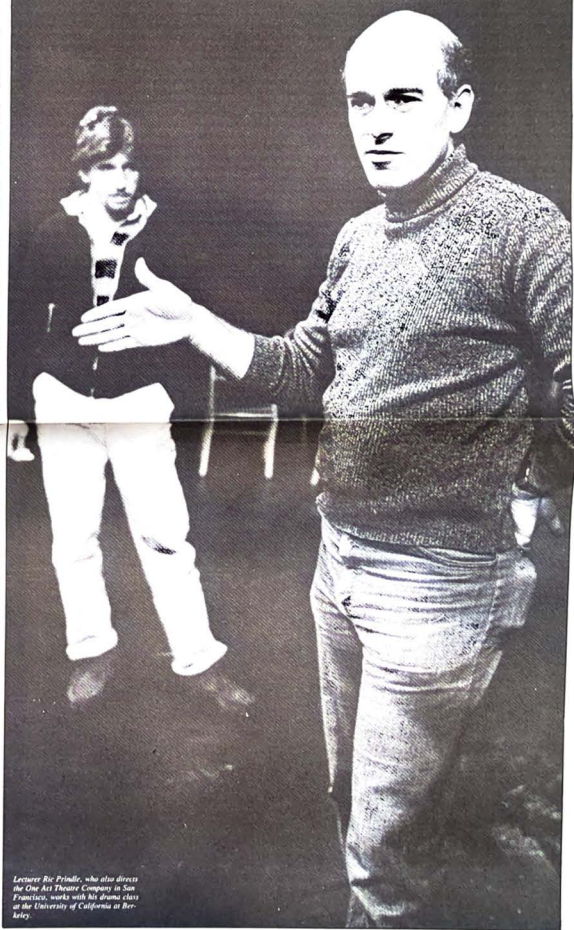
"The lecturers are bright young scholars; most have Ph.D.s and publishing records, and they are trying to make it get regular faculty positions," Elmer said. "Yet they are pigeon-holed into these positions where nobody gets tenure and after four years they are out. In addition, the university's four year rule shows the ground out from under affirmative action." Elmer said. "The majority of lecturers are women or minorities, when they are let go, so are the gains of the past 20 years."

In the upcoming elections, the lecturers and librarians will have a chance to tell the university whether their rights would be better represented with or without a union. The University Council will compete for exclusive bargaining rights.

Meanwhile, lecturers who have been affected by the four year rule should contact the University Council, 122 Cypress, Santa Ana, CA 92701, telephone 444-4444.

—DANIEL SUE WITTE

This fall, UC lecturers will have their chance to vote on whether they want a union representing them.



Lecturer Ric Prindle, who also directs the San Jose State Community in San Francisco, works with his drama class at the University of California at Berkeley.



HIGHER ED FUNDING: THE PRESSURE PAYS OFF



PHOTO BY JOHN PHILLIPS/CHRONICLE OF HIGHER EDUCATION

What is the higher education legacy of the first two years of the Reagan administration?

Well, thanks to insistent lobbying by the higher education community, the cuts in federal aid were not as staggering as those envisioned by the president in his first two budgets.

This third time around, President Reagan is expected to ask for all the cuts he did not get the first two times, in order to balance his huge deficits. But if AFT and other education groups mount the kind of campaign they have in the past two years, "the president's education budget will be stillborn," says Greg Humphrey, AFT director of legislation.

Of course, it is important that faculty members, students and others keep up the pressure on Congress in order to prevent further cuts and even to gain some restoration of lost funding. "This is now the time to stop pressuring to restore education funding," Humphrey said.

Reagan's New Federalism has greatly reduced the ability of states to maintain their traditional level of funding for higher education, noted Robert Nielsen, assistant to the AFT president for higher education. With less money flowing to the states from the federal government, states such as New York, New Jersey, Oregon, Washington and Illinois feel they have been forced to mandate across-the-board cuts for higher education, Nielsen noted.

And although Reagan has prevented any far-reaching legislation from coming up during his first two years, he has also been unsuccessful in drawing as much blood from federal education programs as he had wanted. For example, Reagan wanted to limit the growth of Guaranteed Student Loans, yet the GSL budget has almost doubled from \$1.6 billion in 1980 to \$3.1 billion in fiscal 1983.

Reagan has been successful, however, in eliminating the Social Security student benefit, thus abolishing one fifth of

REAGAN'S FIRST TWO YEARS

THE ISSUES

WHAT THE ADMINISTRATION TRIED TO DO

WHAT HAS HAPPENED SO FAR

Guaranteed Student Loans

To curb growth of federal spending for loans.

Federal spending has almost doubled since 1980, although the number of loans is expected to drop by 22 percent from fiscal 1981 to 1982.

To require all students to demonstrate financial need to qualify for a loan.

Students whose families earn more than \$30,000 a year must demonstrate financial need to qualify for a loan.

To charge a 10 percent fee on loans.

A 5 percent fee is charged on loans.

To reduce federal interest subsidies.

Interest subsidies have not been reduced.

Pell Grants

To cut the budget by more than 40 percent.

Little change in the budget since 1980.

To reduce aid to middle-income students by denying grants to most students whose families earn more than \$18,000 a year.

Grants are available to students whose families earn up to about \$26,000 a year.

To require that information on all grant applications be checked against income tax forms.

About half of all grant applications must be checked against tax forms.

Social Security Student Benefits

To bar college students from entering the program after August 1, 1981.

College students are barred from entering the program after May 1, 1982.

To reduce gradually the payments to students already receiving benefits and to eliminate the program by 1984.

Payments to students already receiving benefits will be reduced gradually, and the program will be eliminated by 1985.

Other Student-Aid Program

To eliminate Supplemental Educational Opportunity Grants and State Student Incentive Grants.

The budget for supplemental grants and incentive grants has been cut by 4 percent.

To provide no new funds for National Direct Student Loans, and to bar colleges with default rates over 25 percent from receiving additional loan money.

New funds for direct loans have been cut by more than 35 percent over the last two years. Colleges with default rates of over 25 percent are barred from receiving additional loan money.

SOURCE: THE CHRONICLE OF HIGHER EDUCATION

total federal student aid. In the 1981-82 school year, 750,000 students received Social Security benefits.

So far, Reagan has been unable to eliminate the Supplemental Educational Opportunity Grants, the State Student Incentive Grants and the National Direct

Student Loan program, although the budgets for these programs have been cut back. Reagan is expected to try to abolish these programs in his fiscal 1984 budget request (which was not released as of press time), but with persistent lobbying this effort can be turned

back, Humphrey said.

The overall federal higher education budget has gone up from \$11.7 billion in fiscal 1980 to \$11.9 billion in 1983, although the 1983 dollars buy 15 percent less than the 1980 budget.

AFT will be working to restore some of the programs that have been cut in the past year, but another major issue will be the mandatory retirement cap for faculty. At present, faculty can be made to retire at age 70. Until July of last year, however, colleges were permitted to force faculty to retire at age 65 while others worked till age 70.

But now that faculty members are allowed to be employed as long as everyone else, there is a move to lift the mandatory retirement age — and still force faculty to retire at age 70. "The AFT has no position on this law, but if the retirement age is lifted, we want faculty members to be treated the same as everyone else," Humphrey said.

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